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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017/2018

UCL1612 - CONSTITUTIONAL LAW I

(All Sections / Groups)

23 OCT 2017

Reading Time : 9:00am – 9:15am
(15 Minutes)

Answering Time: 9:15am – 12:15pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copy of:
Federal Constitution
5. Please write all your answers in the Answer Booklet provided.

COMPULSORY QUESTION

QUESTION 1

It has been 10 years since Ahmad, the President of the Langit Party had been appointed as the Prime Minister of Malaysia. Throughout that period, he enjoyed tremendous support from the ruling party and the people as well. Since he believed that he is currently enjoying support from the people, Ahmad thought that it would be better for him to conduct an early election, and he believed that he will easily win the election with a large majority. He later presented his proposal to the Yang Dipertuan Agong to dissolve the Parliament as to have way for his election. The Yang Dipertuan Agong however refused to give his consent, since his majesty believe that it is still too early to hold an election where it is originally supposed to be held next year. Disregarding his majesty's refusal, Ahmad somehow managed to dissolve the Parliament, since according to his legal advisor John, he did nothing wrong since the Yang Dipertuan Agong must act on the advice of the Prime Minister.

Nevertheless, the election result turned out to be a shock. Ahmad's party had failed to secure 2/3 of the Parliamentary seats, but only managed to secure a very slim simple majority. His failure to secured 2/3 of the Parliamentary seats drew criticisms from the opposition and the members of his own party alike as they argued that Ahmad failed to attain enough mandate from the people to secure his appointment as the Prime Minister. Even his newly appointed Deputy Prime Minister, Muthu, had criticized him in a press conference, and openly asked him to resign from his post. In response to that, Ahmad immediately dismissed Muthu from his office, and replaced him with John, his legal advisor. When he was asked on the controversial appointment of John during a live telecast, Ahmad was furious and caught cursing on a live television. He insisted that he, as the Prime Minister, have the discretion to appoint anyone as a member of his cabinet.

A week later, the opposition launched a surprise campaign to overthrow Ahmad from the office through the vote of non-confidence. The opposition eventually managed to secure the vote and asked Ahmad to resign. Even so, Ahmad still refused to step down since he argues that the vote of non-confidence is not legitimate due to some technical issues. In response to Ahmad's refusal, the opposition members had brought a petition to the Yang Dipertuan Agong and requested his royal highness to dismiss the Prime Minister. The Yang Dipertuan Agong, after reading the petition, dismissed Ahmad from his Office.

However, Ahmad still refused to step down, arguing that the Yang Dipertuan Agong does not have any power to sack him, and such sacking is not just undemocratic, but also unconstitutional.

Based on the scenario above, advise all parties.

(Total: 25 marks)

Continued...

ANSWER ANY THREE OUT OF THE FOLLOWING FOUR QUESTIONS.**QUESTION 2**

“In most democratic countries, there is total separation of the judiciary from the other two branches of powers. This will ensure that the judiciary is independent and may thus decide disputes without any interference from other governmental branches”

- Professor Dato’ Dr Hussin @Mohamad Ad Rahman, Independence of Judiciary, The Malaysian Judiciary, page 163

Critically discuss the statement above with reference to the Independence of the Malaysian judiciary.

(Total: 25 marks)

QUESTION 3

The Malaysian Federal Constitution is a written constitution influenced and based on the Malaysian history. The Federal Constitution also contains several distinctive characters, which makes it a unique constitution.

Critically explain the factors that influenced the development of the Federal Constitution, as well as its distinctive features.

(Total: 25 marks)

QUESTION 4

Despite having other functions, it should be noted that the most important role of the Malaysian Parliament is to legislate laws.

Based on the statement above, discuss and elaborate in detail, the legislative process in the Parliament, and its exceptions.

(Total: 25 marks)

QUESTION 5

“If the legislative and executive authorities are one institution, there will be no freedom. There won’t be freedom anyway if the judiciary body is not separated from the legislative and executive authorities”

-Montesquieu

Continued...

Based on the statement above, critically discuss the application of the doctrine of Separation of Powers in Malaysia, and support your answer with the relevant statutory provisions, and decided cases

(Total: 25 marks)

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